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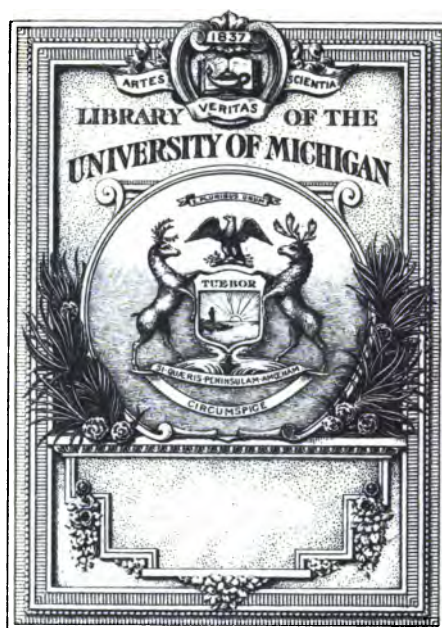
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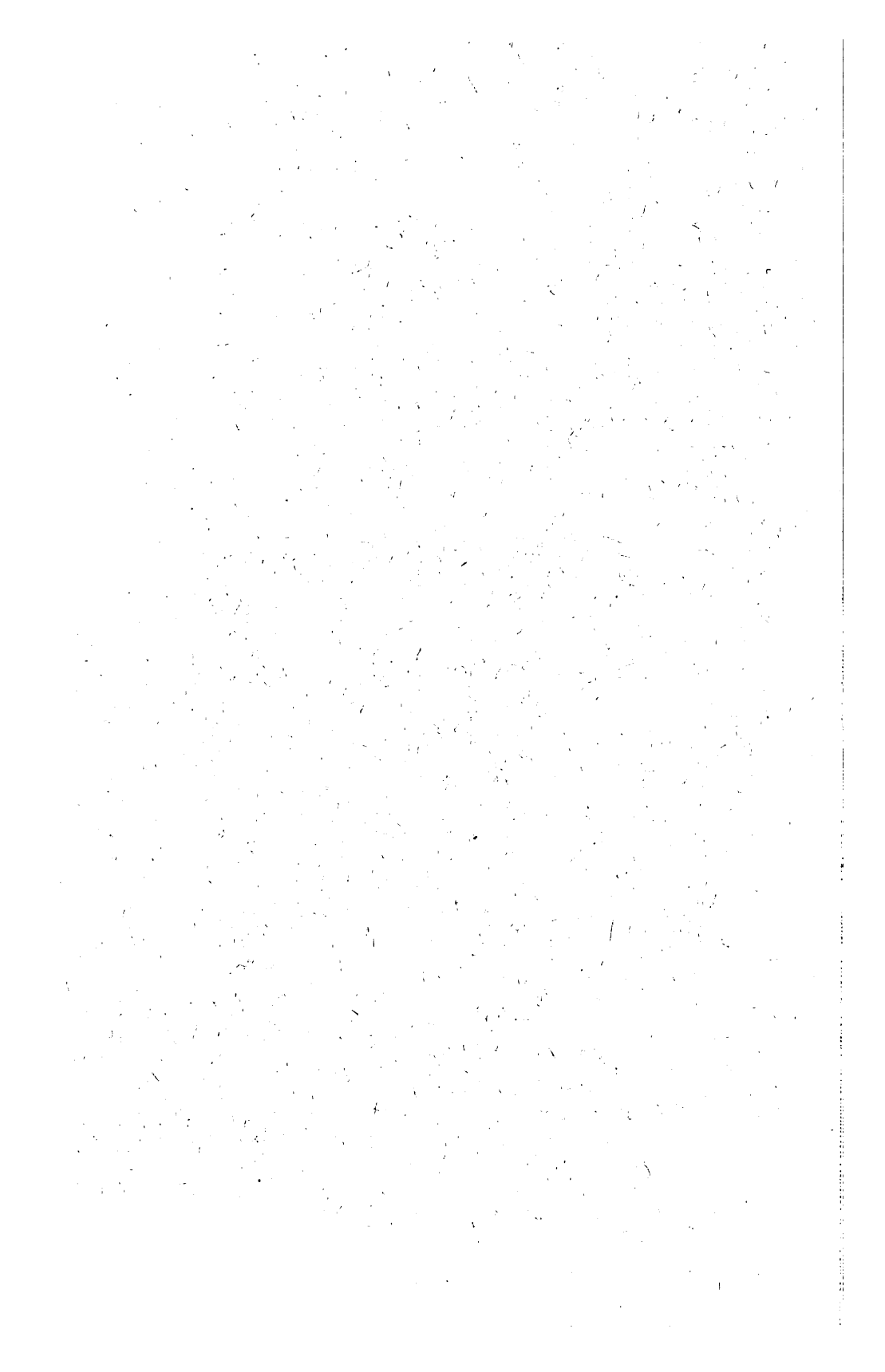
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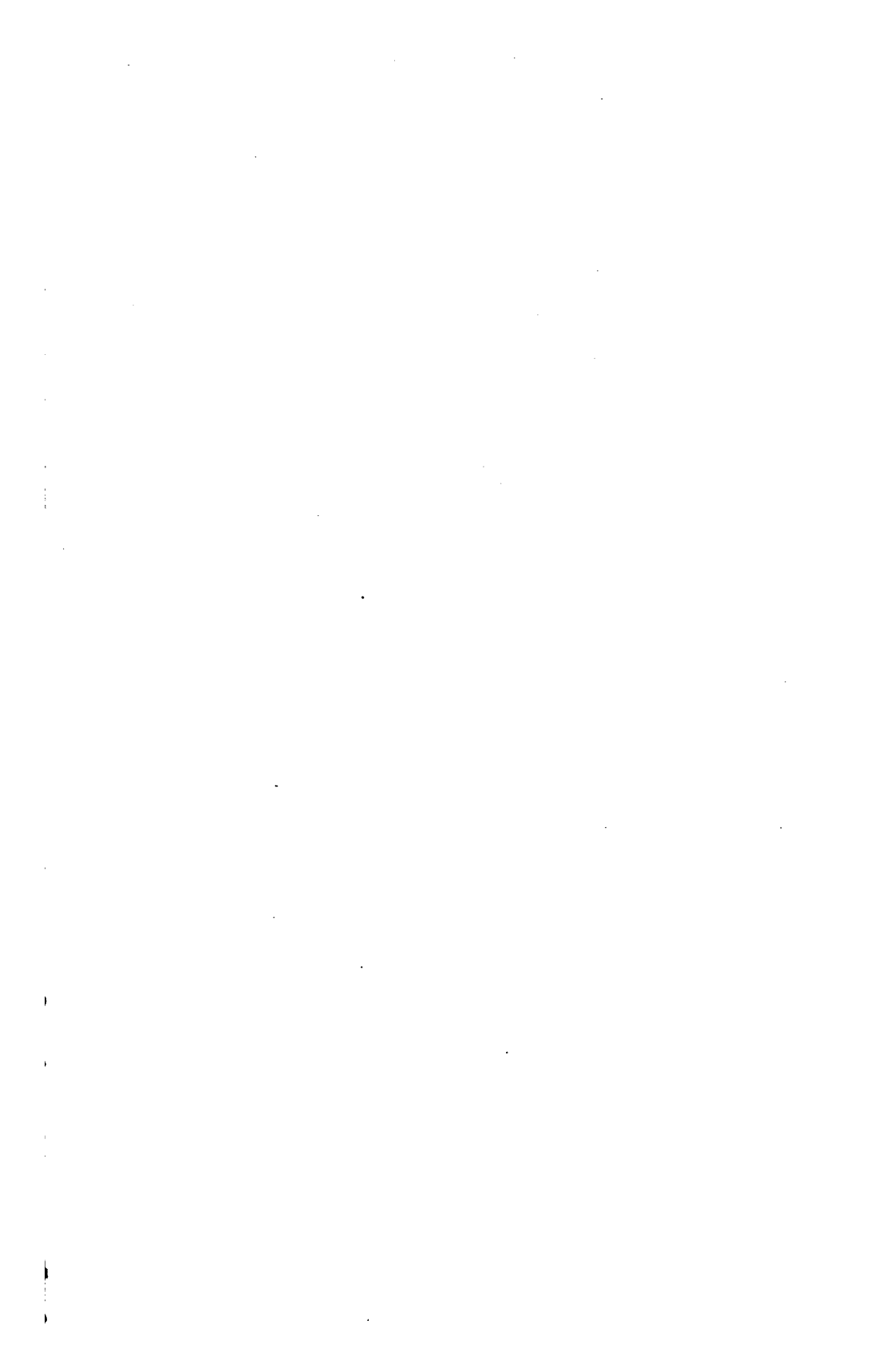
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JOHN FEARON



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With the author's compliments

JOHN FENTON

BY
CHARLES R. CORNING

READ AT THE WINTER MEETING OF THE GRAFTON AND COÖS
BAR ASSOCIATION AT LITTLETON, JANUARY 27, 1885



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JOHN FENTON.

On May 18, 1766, the stamp act was repealed by the English parliament. This token of conciliation was hailed with transports of joy in all the thirteen colonies, the darkness was dispelled, and there followed an outpouring of genuine loyalty. Our ancestors were glad at the repeal of the stamp act; but their latest posterity will ever rejoice in its enactment, for it opened the mouths of orators, and enriched our literature beyond the price of kingdoms.

The next year John Wentworth, who, as agent of New Hampshire at the court of St. James, had been active in securing the repeal of the unpopular law, was appointed governor of the province by the Marquis of Rockingham, with whom he was on terms of close intimacy. In all the history of those turbulent times that ended in revolution, there is no character more pleasing than young Wentworth. A Portsmouth boy by birth, the son of a rich merchant, and a graduate of Harvard, he early became recognized for the dignity of his bearing and the gentleness of

his disposition, and was accorded those marked attentions usually reserved for persons of high station and of distinguished attainments.

The new governor was most cordially welcomed on his arrival in Portsmouth, as his appointment, made by a popular ministry, was peculiarly grateful to the people of New Hampshire, by whom he was well known and much esteemed. By wise and discreet policy his administration preserved its popularity during several years, and the people were generally satisfied; but the crisis could not be averted. In 1773 the young ruler found himself compelled either to sustain his obligation to the ministry, or to take side with the colonists on the grave question of taxing tea. While weak in patriotism, he was strong in loyalty, and he espoused the cause of the mother country; but so conciliatory were his manners, that actual violence was restrained until that eventful day when violence became another word for righteousness. Even then the excited citizens directed their attacks, not against him as a man, but as a symbol of that government which they so deeply detested.

It was at this juncture of public affairs that John Fenton first comes upon the scene.

Although my researches have led into various fields, my rewards have been small and insignificant, and it is only a mere outline that I am able to present.

Fenton was at one time a captain in the English army, which was then largely officered by gentlemen whose commissions were purchased, and whose reputations were frequently achieved by conquests in the camps of Venus rather than on the fields of Mars. For either style of warfare, John Fenton was eminently qualified. It does not appear when this man first came into the province, nor is it clear what motive induced so brilliant and ambitious a soldier to throw up his commission and seek his fortune among a strange people; but a soldier's life is likely to be a roaming one, and, besides this, I am inclined to think that an old London-formed friendship between him and the governor may have influenced his choice. Not long after his arrival he was made a colonel in one of the militia regiments; and colonels in those days were, with hardly an exception, men of military experience, and not, as is now often the case, mere gold and feathered evidences of political indebtedness.

Fenton was evidently highly considered by Governor Wentworth, for in September, 1774, we find him one of the magistrates of the town of Portsmouth. From this time until he left the province, Fenton was a close friend of the governor, and an outspoken defender of his public acts, pausing at nothing and abating nothing in his defence, but always ready to maintain, by speech and act, the vice-royal command.

The natural consequence of this fidelity was to incur the bitter hostility of the populace, which followed him during the remainder of his stay. Very likely he was looked upon as an emissary from the old country, who had no business in the colony during the exciting times attending the landing of tea, and hated accordingly. At all events, no man ever came nearer being hanged than John Fenton; and yet he appeared to invite martyrdom by his daring and incautious manner. His intimacy with mobs and violence began soon after the ship "Fox," Captain Norman, arrived in the Piscataqua with thirty chests of tea. Her arrival had been looked for by both political parties, and preparations had been made on the one side for destroying the innocent Chinese herb, and on the other for protecting it. It was the beginning of the end, and Wentworth knew it full well.

As soon as the news spread, disquiet broke forth. Matters looked threatening; for the mob had begun to break the windows in the house of Mr. Parry, the consignee, who, very much alarmed, sent word to the governor, who immediately convened the council and asked their advice. They unanimously advised that the magistrates of the town be summoned, and commanded to preserve peace and good order, and especially to protect the person and property of the unfortunate Mr. Edward Parry from the violence he apprehended.

Now among the four magistrates that appeared was John Fenton, who no doubt was eager for duty, and sorely disappointed at the compromise soon after effected, whereby the tea was duly entered at the custom-house, the duty paid, and then reshipped to Halifax under a favoring wind. The subject of my sketch would have preferred, no doubt, to send the compromise to Halifax, instead of the tea.

About this time the counties of Strafford and Grafton, having increased in population, were declared competent to exercise the powers and jurisdiction conferred upon them some three years before, and a system of courts was duly established. On May 18, 1773, the governor appointed John Hurd, Moses Little (who declined), Asa Porter, and Bezaleel Woodward, esquires, as justices of his majesty's inferior court for the county of Grafton; and about that date John Fenton must also have received his appointment as clerk of the same court and judge of probate. That he attended faithfully to his duties is shown by several dockets, mostly kept in his neat but strong handwriting. The record also brings to light the existence of a son, Thomas Temple Fenton, who was appointed by the presiding justices temporary or joint clerk for several terms. The extremely moderate size of these dockets, each containing perhaps a score of pages, is very creditable to the then sparse population of Grafton county.

Just why it should have been necessary to appoint the son to assist his father is not clear, unless it sometimes became convenient on the part of Col. Fenton to remain in the genial presence of Portsmouth society rather than venture so far into the wilderness as Plymouth and Haverhill; for, enterprising and charming as are those towns to-day, it must be conceded that their relative attractions were somewhat less a century ago, and it may have been on this account that the regularly appointed clerk preferred to exercise his functions through another.

The sources of information are so meagre and unsatisfactory, that it is impossible to throw much light on the wanderings of Col. Fenton while holding the office of clerk; but it is to be presumed that he followed the court on its regular circuits, and attended to its routine with as much diligence as could be reasonably looked for in a soldier and an active man of affairs. But law and its dry details were not the food upon which so valiant a spirit could flourish and grow strong; therefore the weary scribe must have hailed with delight the panting horse of Paul Revere, as it dashed into quiet Portsmouth, like Rollo from Ghent, on the afternoon of December 13th, 1774. The rider drew rein in front of the house of Mr. Samuel Cutts, a prominent merchant of the town, and, rushing up the steps, was admitted. He had come from the committee of safety in Boston, bearing despatches to

the New Hampshire committee, of which Mr. Cutts was chairman.

These despatches were a virtual declaration of war, and to New Hampshire belong the honor and glory of striking one of the first blows for American independence. In Providence, cannon and ammunition had been removed from Fort George and placed under a provincial guard; but in Portsmouth, at dead of night, an armed force of about four hundred men collected, and proceeded to Castle William and Mary, at the entrance of the harbor, and forcibly took possession thereof, notwithstanding the threats of the commandant that he would fire upon them. John Sullivan commanded the attacking party, and threats and bribes alike were lost on that grand hero of New Hampshire. The garrison was overpowered, the king's soldiers were made prisoners, and a new people was born upon the earth. The powder-house was broken open, and the powder sent away in boats. Then the captors took their departure in triumph. But the excitement of the affray was not suffered to die out. The next night the patriots again visited the fort, taking away the cannon and many muskets, and dismantling the castle generally.

Amidst this turmoil Fenton was not idle; and in a letter written by Governor Wentworth to Governor Gage, the day after this last attack took place, is

found what may he accepted as a just and correct estimate of John Fenton's character. The governor says,—“The populace threaten to abuse Col. Fenton because he has to them declared the folly of their conduct, and that he will do his duty as a justice in executing the laws. They will never prevail on him to retract, if all the men in the province attack him. If I had had two hundred such men, the castle and all therein would yet have been safe.”

From this it is evident how much dependence was put on the belligerent clerk of the county of Grafton; but the odds were too much even for so lion-hearted a man, and Fenton was compelled to stand by and see the king's garrison made prisoners, and the king's ammunition converted to colonial uses.

The few glimpses that history furnishes of the subsequent actions of Fenton will not warrant the judgment that he was a thorough royalist or an opponent of the friends of liberty, but rather that he was a well-wisher for the public good, and only saw, in the hasty and ill-advised conduct of the crowd, the straining of those ties which he and Wentworth hoped might never be sundered. Every act of violence made reconciliation more and more impossible, and it was with this view that he chose the course he would pursue in the remaining few months of his residence. He seems at all times to have acted like a gentleman considerate of the rights of others, and at the same

time zealous in asserting his own; fairly good-natured and personally popular, but of a turn of mind too conservative to please the masses, while his well known friendship at the Portsmouth court served to render him still more unpopular.

This feeling of hostility increased rather than diminished during the ensuing winter, although there was no outbreak like that of Castle William and Mary. Still the public pulse was feverish, and was kept so by constant despatches from Boston, where General Gage was doing his best to make revolution successful. The spring opened ominously; enterprise was dead; and each side began to think of something stronger than meetings and proclamations. A quieter tone prevailed in New Hampshire, but it was only waiting to swell into volume and make itself heard. The governor, however, had not entirely given up his fond hope of restoring harmony, and accordingly he issued the king's writ calling an assembly. This was the last royal writ issued in the province, and in accordance with its commands the assembly convened at Portsmouth May 4th, 1775.

Among the members returned was Col. Fenton, who sat for the town of Plymouth. The town-meeting at which he was chosen met on the 17th day of February of the same year, and after transacting other business voted "to instruct the Honorable John Fenton, Esq., in order that he might the bet-

ter comprehend the duties of the hour." The instructions open with a sonorous preamble, as follows :

"SIR : We, the free-holders of the town of Plymouth, being highly impressed with the most favorable sentiments of you, from the many eminent services conferred on this county, and the town of Plymouth in particular, since your first acquaintance with us, should think it needless, at any other time than this, to give you instructions respecting your conduct as our representative in general assembly. But when we reflect on the momentous affairs that are now pending between Great Britain and her colonies, and the imminent danger that threatens them (for we look upon the interest to be mutual), we trust that you will not construe our instructing you to arise from any distrust or want of confidence, but from anxious wish and hearty desire to see the strictest harmony once more established between our parent state and her colonies, according to their charter, and other rights as they have been practised from the first accession of the august house of Hanover to the time of the stamp act. We therefore think it our duty to instruct you as our representative,—

"*First.* That you will do everything in your power to preserve the laws of the land inviolate, and by every legal means prevent a diminution of them in

every respect whatever; for, should the people either throw them aside or in any manner disregard them, we apprehend that anarchy and confusion must quickly ensue.

“*Secondly.* We récommend to you, in the strongest terms, to discountenance every act of oppression, either as to the persons or properties of individuals, as we look upon such proceedings to be highly prejudicial to the common cause, and directly tending to fill the minds of the people with jealousies and distrusts, the bad effects of which must appear obvious to every man of common understanding.

“*Thirdly.* We desire that you will not on any account give up, or in any manner suffer a diminution of, the rights and privileges we now enjoy, as we live under good and wholesome laws; and,

“*Fourthly.* That you will do the utmost in your power to keep harmony in the house, that the public affairs of the province may be discussed with coolness and impartiality,—much depending on such conduct at this time of our difficulties. Also, that you will endeavor to have the house open, that those out of doors may be acquainted with the debates of their members, the practice of secrecy heretofore used tending much to the disquiet of numbers of their constituents.”

Such were the instructions given to Col. Fenton by the town-meeting of Plymouth. If he had com-

posed them himself they could not have been more to his liking, for they embodied that very course of action which he had followed, and which he vainly endeavored to persuade the angry populace of Portsmouth to follow.

These Plymouth resolutions were evidently suggested by Fenton, and were a piece of political sagacity that speaks well for his adroitness in managing public affairs. The turbulency of the times was suited to his lively disposition, and it was not through fault of his that his career as a legislator was cut short. Fortified by these instructions he made his appearance with the other members, and was sworn in by the secretary of the province.

The battle of Lexington had roused the embers into a fierce blaze, and New Hampshire was aglow with patriotism. The towns had sent deputies to a convention at Exeter, and the representative men of the province were in attendance; so when the assembly convened at Portsmouth, they found themselves powerless to accomplish any work; nor did they evince any disposition to act on public measures until the pleasure of the Exeter convention could be ascertained. Although separated by fifteen miles, and created by very dissimilar means, the two bodies were really one both in sentiment and in devotion to the common cause.

Among the well known members who sat in the

assembly with Fenton were John Langdon, Meshech Weare, Col. Nathaniel Folsom, Col. Clement March, and Josiah Bartlett, all of whom afterwards became famous in state and national councils. These leaders were fully alive to the great issue between the colonies and Great Britain, and they made haste slowly. Public opinion was overwhelmingly one way, and to the speeches and acts of these leaders may be safely attributed the formulation of that opinion; but they were not without caution and conservatism, and took good care not to precipitate any radical views until they had carefully felt their way. Scarcely had the governor's message been read, than the house voted that a committee be appointed to wait on his excellency and request a short adjournment, so that the members might be enabled to return home and consult with their constituents respecting the weighty matters then pending. The governor appreciated the situation, and immediately, May 6, adjourned the assembly to June 12.

The crisis was rapidly approaching, and the time for conciliation was going by. Before the assembly reconvened, the war ship Scarborough seized some provision boats coming to the relief of the hungry people of Portsmouth, and forthwith sent them to Boston for the supply of the army and navy. This outrage was too heavy to be borne in silence, and the next morning hundreds of armed men went

down to the battery at Jerry Point and captured eight cannon, bringing them into town. The commotion was spreading, and violence was on the point of asserting its strength, when the 12th of June saw the assembly men again in their seats. The house was determined in the opposition which it now entered upon. For the last time in history the American citizen sat in one of the parliament houses of an English king. The epoch was momentous, but the great heart of the people beat responsive to the cause. On the next day the gauntlet was flung down, and, singularly enough, it fell at the feet of Col. John Fenton.

During the late recess the subject of the king's writ had been discussed among the members of the Exeter convention, and the legality of calling in new members from townships theretofore unrepresented was seriously questioned. Had the times been quiet, and no danger apprehended, the exercise of the prerogative might have passed unnoticed ; but the general alarm and jealousy pervading the province called for action of some kind, and it was decided to instruct the assembly to make the opening fight over the admission of Fenton and two others who had been called in pursuance of the writ. Accordingly, on the next day the special committee, to whom the subject had been referred, made a report, which was considered and debated at length,

and finally, in accordance with the virtue of necessity, it was voted that Col. Fenton, together with the members returned from Orford and Lyme, be denied their seats in the house. Only a spark of imagination is required to picture the scene during that debate. Here were three members whose right to a seat in the assembly seemed beyond question, and yet the verdict was about to be rendered that they had no right there, and could not remain within the bar of the house.

Had it come to pass that the name of his majesty was to be taken in vain by a parcel of provincials who had suddenly set themselves above the law of the land and the great seal of England, denying to his majesty's loyal subjects that liberty and freedom which every Englishman regards as his birthright? Very likely these sentiments found lodgement in Fenton's mind, and he prepared to assert his position in language which, though parliamentary, was none the less vehement. The writ was looked upon as the means of preserving a majority in the house for the government; and if three members could be admitted, then why not an indefinite number, or as many as might be required to keep the people in a minority? This was the popular view of the whole proceeding, and there can be no uncertainty as to the highly exasperated state of mind which greeted the writ.

The warm friendship between the governor and Col. Fenton did not escape notice, nor did the coincidence of the latter's return as a member from Plymouth, a new town containing about three hundred souls, and until this time unrepresented. The writ, the friendship, and the seat in the assembly, all combined to make John Fenton as unpopular as it was possible for a man to be, for he appeared as the embodiment of all that was wrong and tyrannical on the part of England.

Josiah Bartlett, in one of his letters written at that time, says that Fenton was a gentleman, but that he was bold and overbearing in the house, so much so as to disgust many of the wavering members. No doubt his style of oratory lacked the finish of Pitt, and was wanting in the glowing metaphors of Burke, but for vigor and terseness it might have withstood even the test of Westminster Hall. Bold to temerity, overbearing to insolence, his courage never failed him on that afternoon in June when he stood up almost alone, and did battle for the cause he had so much at heart. His course was admirably adapted to hasten on the last stages of royal government, for he was accepted as the spokesman of the court, and his sentiments only increased the popular hatred. The hour had come, and the blow was struck. Before the sun went down the next day, John Wentworth, the last royal governor, had

fled from Portsmouth and taken up his residence within the walls of Fort William and Mary, protected by the guns of his majesty's frigate Scarborough.

If Col. Fenton had been possessed of more discretion, and had maintained a dignified silence after his outburst in the assembly, we should have lost the most interesting scene in his life ; but the whirlwind were as easily stayed as the indignation of the hot-headed judge of probate for the county of Grafton. He put the finishing touches to his picturesque career by haranguing the patriots outside the sacred limits of the legislative halls, and there can exist no doubt as to the thoroughness with which he performed his part. Unrestrained by the conventionalities of the assembly, he gave full scope to his remarkable powers of denunciation and menace ; or, in other words, he swore like the trooper he was, and every word he uttered rankled in the breasts of his hearers. His usually calm mind seems to have lost its balance, for, with his words still hissing, he made his way to the stately residence of his friend the governor, and disappeared from his frowning enemies.

The sturdy men of Portsmouth took instant resolution, and proceeded to do away with the curse that threatened them. A crowd hastily collected, and marched through the shady streets to Wentworth's house, where was enacted a scene best de-

scribed by the governor himself in a letter to Gen. Gage. He says, "The spirit of outrage runs so high, that on Tuesday last"—this was the day that the vote of expulsion was taken—"my house was beset by great bodies of armed men, who proceeded to such length of violence as to bring a cannon directly before my house, and point it at my door, threatening fire and destruction unless Mr. Fenton (a member of the assembly then sitting), who happened to call on me, and against whom they had taken up such resentment, should instantly deliver himself up to them; and notwithstanding every effort to procure effectual resistance to disperse the multitude, Mr. Fenton was obliged to surrender himself, and they have carried him to Exeter, where he is, as I am informed, kept in confinement."

It is interesting to know that amid all the ravages of war and years the old mansion is still to be seen, dignified as of old, but alone in its quaint, old-fashioned style; and even now one of the front rooms bears its rude testimony of that summer's day violence. This apartment presents almost precisely the same aspect as it did when the governor so hurriedly quitted it one hundred and ten years ago. The elegant plush on the walls still retains its freshness, and the various decorations of former times are preserved with jealous care, while in the spacious hall are full length portraits of the governor and

others bearing the family name. In the gardens that stretched from Pleasant street down to the quiet Piscataqua, seats and arbors were arranged in the shady walks, and scattered in tasteful profusion were flower-beds and fruit-trees. In this little Arcadia the gentry of the town were often wont to assemble in response to the vice-regal summons, and amid the peace and loveliness of the spot let us hope the sound of acrimonious discussion was never heard. Let the poet, born within its shadows, sing its glories in his graceful verse :

“ O let me tell thee one thing, trembling house,
 That in thy days of former pomp gone by,
 Where light feet danced where crawls secure the mouse,
 And thy bare walls were hung with drapery—
 I tell thee truly—when thy haunted halls
 Were scenes of bridal, birth, and revelry,
 And funeral wails resounded in thy walls,
 None in those hours of pain and joy gone by
 Could love thee then more fondly now than I.”

The governor never saw his elegant home again. He kept his residence at the fort, and communicated his messages to the assembly with a show of authority which exercised little or no influence upon that recalcitrant body. He adjourned the house to July 11, and when it reassembled he sent in a message, recommending that the vote expelling the three members be rescinded ; but the Exeter convention was ready for the suggestion, and, through its will-

ing agents in the house, made respectful but determined answer. The house refused to recede from its position. Wentworth thereupon wrote and despatched his last message, in which he dwells at length upon the subject of the writ and the action towards the new members, and closes by adjourning the general assembly to September 28. This was the last act connecting the affairs of the province with England; and before September came round the governor had left the land that gave him birth, and cast his lot with its enemies.

While the governor remained at the fort, his audacious friend was receiving the attention of the Exeter convention in a way utterly incompatible with complete personal liberty, although I do not find that he was ever subjected to the indignity of very close confinement. But that body of men at Exeter had dealt with Col. Fenton several months prior to his final imprisonment, so when he appeared among them he was by no means a stranger. Early in the spring of that year, in April, carried away by the exuberance of his feelings, he had acted on the impulse of the moment, and sent the following letter to the people of Grafton :

“ Portsmouth, April 26th, 1775.

“ To the People of the County of Grafton, from a real friend who sincerely wishes their well-being :

“ For God’s sake pay the closest attention to the

sowing and planting your lands, and do as much of it as possible, not only for your own and families' subsistence, but to supply the wants of your fellow-men down country; for you may be assured that every kind of distress in the provision way is coming upon them. Let nothing induce you to quit your farming business. Mind no reports: there are enough without you. Therefore your diligence in farming will much more serve your country than coming to assist us. Much depends on the back settlements raising plenty of grain. I am informed that if the people of the back settlements take up arms, a number of Indians and Canadians will fall upon them, but that if they remain quiet, they will not. This I inform you of from the love I bear you, and give it you as a sincere friend should do."

This was the startling letter which directed all eyes to Fenton; for by its prophecy of massacre it seemed to reflect the possible policy on the part of England, and the convention at once took measures to ascertain its true meaning.

On May 22 it was voted "That Coll. Fenton be desired personally to appear and inform this Body concerning the subject-matter of his Letter to the People of the County of Grafton."

The next day congress received this reply :

"To the Provincial Congress at Exeter :

"Gentlemen:—I this moment received your letter

of 23d instant. I do assure you, gentlemen, I mentioned the matter respecting the Indians coming down on our frontiers, in my letter to the People of the County of Grafton, as a matter of opinion only ; nor have I the least clue or circumstance to guide me in that sentiment but *sincere opinion*. I am, Gentlemen,

“Your most obedient and very hum’ble Servant,

“JOHN FENTON.”

“P. S. I wrote *that* letter to the People of the County of Grafton out of absolute friendship and regard to the country.”

It is impossible to say how this answer was received by the congress ; but from that moment Fenton was not suffered to pass beyond the range of patriotic vision. His doings and sayings were carefully scrutinized and promptly reported ; and when the Portsmouth mob dragged him from Wentworth’s mansion, the act met with the entire approval of the parliament at Exeter. There was now a pretence for detaining him, either to protect his person, or to deprive the king of an active and distinguished advocate ; but these reasons were founded on mere temporal expedients, and could not, in absence of something more definite, be long maintained. Fenton well knew this, and on June 26 he sent a very polite note to the congress, in which he presents his compliments, and requests to know if it will be conven-

ient to be called before that distinguished body the next morning. If so, he begs to be informed, as his family are only waiting to know what is to become of himself before they quit the province.

Congress was now called upon either to prefer charges, or to permit him to depart. It evidently deemed it best to adopt the first course, and on June 29 declared that Col. John Fenton was not a friend to this country. It followed, that not being a friend of this country, he was surely disqualified from holding any office within the gift of this country. Consequently, at the next sitting, a committee was chosen to take the records of the court of common pleas, general sessions of the peace, and court of probate for the county of Grafton, from his custody, and deliver them to Col. John Hurd. To make further progress in the work of reducing him to the state of harmlessness, congress voted that same afternoon that Col. Fenton be confined in the gaol in Exeter, and be supported like a gentleman at the expense of the colony until further orders from congress. That Col. Fenton was no ordinary malefactor is abundantly proved by the urgency of action and the gentleness of punishment.

The town of Exeter was not the place to instil patriotic or Whig ideas into a belligerent tory who would not receive them ; so it was thought best to subject Fenton to the stern and unbending discipline

of martial law, such as existed within the camps around Boston. The thrifty men at Exeter did not allow Mr. Fenton's way of living to saddle any indebtedness on the people of the colony, for the resolution of imprisonment with its sumptuary amendment had scarcely dried, when another vote consigned him to the head-quarters of the New Hampshire forces, then at Winter hill, in Medford; and thither he was escorted by a captain and five soldiers.

Gen. Nathaniel Folsom was in command of the New Hampshire troops, with head-quarters at Winter hill, while near by were encamped John Stark and Col. Reed, fresh from the slopes of Bunker hill, where both had performed heroic services for the great cause of liberty. Owing to the incompleteness of the old records and manuscripts, there is no way of stating the length of time Fenton was detained at the Whig camp, nor does it appear what disposition was made of him, or by whose order; but his stay with Gen. Folsom was very probably brief,—not extending beyond many days,—for we next hear of him at Hartford, Conn., where, judging from certain circumstances, he must have resided more than a month. It may be well to state, that during a considerable period Hartford was a kind of Botany Bay for suspected tories, because of its safe position and surroundings.

This brings us to the close of Fenton's career in

this country, and the last scene shows him in all his wonted dignity of carriage and charm of manner. His genial ways still attracted attention, and his gentlemanly demeanor gained for him the consideration of those with whom he came in contact. In Hartford, as at Winter hill, his imprisonment was technical rather than real, and consisted more in his word of honor than in espionage. He was free to loiter about the camp, or to take longer absences within the limits of the town, and at no time does he appear to have been subjected even to the most trivial inconvenience. He was not a prisoner of war; he was only a suspected person, who had been sent from the distant colony of New Hampshire, where the proximity of danger had whetted public prejudice more sharply than in Connecticut and the colonies to the south. Surrounded by his family, which no doubt possessed many virtues and fascinations, Fenton was regarded as an interesting personage, who was more sinned against than sinning; and his condition excited the generous impulses of his acquaintances, both in civic and military life.

Such feelings must have their fruition. Consequently I find that his case was brought before the Continental congress at Philadelphia, where it was seriously discussed in all its phases, and a vote actually had upon the question. The whole matter is described in a letter written to Matthew Thornton,

the chairman of the committee of safety, by our delegates at Philadelphia, Josiah Bartlett and John Langdon. The correspondence is of sufficient interest to be set out in full:

“ Philadelphia, Sept. 20th, 1775.

“ DEAR SIR :—Yesterday it was moved in congress to discharge Col. Fenton from his confinement. It seems that he, living at Hartford, had an opportunity to see several of the members as they passed to and from the army, and by his politeness and address, and by telling how much he had suffered, had prejudiced some of them that he had been hardly dealt with by us: the copy of a letter from Gen. Putnam was also produced, wherein he says: ‘ That the Populace had seized him and carried him before the congress of N. Hampshire, and that after a full hearing they could not find that he had done anything against the liberties of America, in Word or Deed, but for fear that he might, had ordered him to be confined.’

“ But as we know the whole of that affair, we convinced the congress that our convention had done right. The congress then passed a resolve to this effect: ‘ That whereas, the Convention of the colony of New Hampshire had *prudently* and *justly* ordered Col. John Fenton to be confined, and that he being now desirous to remove to Great Britain or Ireland, therefore, Resolved, that General Washington be

directed to allow Col. Fenton to repair forthwith to New York, and from thence to Great Britain or Ireland, on his giving his parole not to take up arms against America,'—which order your delegates consented to, thinking it better than keeping him confined at the Publick Expense."

From this time Col. Fenton disappears from public view; he is lost in the great world again, and mingles with its millions, a marked man, whose friendship was ever loyal and steadfast. His patron, Wentworth, was yet high in royal favor, and through his influence, perhaps, Fenton again became powerful without incurring the wrath of his contemporaries. The letter of the delegates shows how diplomatic was this man's nature,—how sagacious and politic' he might readily become when occasion demanded, and still maintain his natural dignity and reserve. His story, emphasized by his tact and ready eloquence, captivated one of the roughest soldiers of the Revolution: the impetuous and daring Putnam listened to his recital, and could not break the spell that bound him.

Fenton was one of those rare characters who seems intended for precisely the place and position one finds him in. He was equally at home in the camp as in the law courts, in the legislative halls, or in the governor's drawing-room, entertaining the guests by his ready wit and charming conversation. In the hunt-

ing field, no man could surpass him in boldness of riding or in accuracy of aim ; in the dance, no gallant could perform the steps of the minuet with more ease and grace ; and in the council-room his advice was sound and thorough. Had he thrown his allegiance on the side of the colonists, another brilliant name must have been added to the splendid annals of our state now adorned by Stark and Sullivan and Scammel ; but he went his way, never to return, not an exile, not a man without a country, but a voluntary outcast from the land in which a friendly fate had prepared for him an honorable destiny.



